

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**MICHAEL MOATES, individually and  
on behalf of DC CHRONICLE,**

**Plaintiffs,**

**v.**

**FACEBOOK INC., et al.,**

**Defendants.**

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**Civil Action No.: 4:20-cv-896-ALM-KPJ**

**ORDER**

On December 15, 2020, the Court entered an Order (Dkt. 12), wherein the Court informed Plaintiff Michael Moates (“Moates”) that co-Plaintiff DC Chronicle (“DC Chronicle”) cannot proceed in this action *pro se*. The Court granted Moates thirty (30) days to retain counsel for DC Chronicle and directed Moates to inform the Court of any counsel retained. *See* Dkt. 12.

On December 16, 2020, Plaintiffs filed a Motion for Reconsideration (Dkt. 13), wherein Plaintiffs requested the Court consider the following options: allowing Plaintiffs to submit a Second Amended Complaint that removes DC Chronicle from the lawsuit, “the [C]ourt dropping DC Chronicle from the lawsuit,” or permitting a motion that requests dropping DC Chronicle from the lawsuit.

On December 18, 2020, the parties filed a Stipulated Motion for Leave to File Second Amended Complaint (the “Motion for Leave”) (Dkt. 15), wherein the parties represent they agree to the following: Moates shall file a Second Amended Complaint against Defendant Facebook, Inc. (“Facebook”) on or before January 4, 2021; Facebook will waive service of the Second Amended Complaint; the Second Amended Complaint will not name Facebook Payments, Inc., Mark Zuckerberg, or Sheryl Sandberg as Defendants; the Second Amended Complaint will not

name DC Chronicle as a Plaintiff; and Facebook shall respond to Plaintiff's Second Amended Complaint by February 3, 2021. Upon consideration, the Court finds the parties' Motion for Leave (Dkt. 15) is hereby **GRANTED** and Plaintiff's Motion for Reconsideration (Dkt. 13) is hereby **DENIED AS MOOT**.

**IT IS ORDERED** that Plaintiff shall file a Second Amended Complaint consistent with the terms in the Motion for Leave (Dkt. 15) no later than **January 4, 2021**.

**IT IS FURTHER ORDERED** that Facebook shall file an answer or otherwise responsive pleading no later than **February 3, 2021**.

**So ORDERED and SIGNED this 21st day of December, 2020.**

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE